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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,407	09/28/2001	Robert E. Haines	10012345-1	8759

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EXAMINER

NGUYEN, TUAN HOANG

ART UNIT	PAPER NUMBER
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2618

NOTIFICATION DATE	DELIVERY MODE
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04/25/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Advisory Action Before the Filing of an Appeal Brief	Application No. 09/966,407	Applicant(s) HAINES ET AL.	
	Examiner TUAN H. NGUYEN	Art Unit 2618	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 31 March 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 2 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-20.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/Nay A. Maung/
 Supervisory Patent Examiner, Art Unit 2618

/Tuan Nguyen/
 Art Unit 2618

571-272-8329

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's argument are not persuasive. Regarding rejection of claims 1, 5, 12, and 18, applicant's argument that Burgan et al. (U.S PAT. 6,675,022 hereinafter, "Burgan") in view of Garceran et al. (U.S PAT. 6,522,888 hereinafter "Garceran") references cited by the Examiner does not teach "identify detected devices that match any selection criteria" as recited in claims 1, 5, and 18. Examiner respectfully disagrees with the Applicant's argument. Burgan's reference col. 8 lines 36-48 and col. 17 line 40 through col. 18 line 8 recites this limitation i.e., figure 4, each of the plurality of synchronous transmission frames 402, 403 includes, inter alia, an outbound sync 404, 412, an address such as a broadcast address 406 or an individual address 414, a message vector 408, 416, and outbound information such as a localized information 410 and an individualized information 418. The outbound sync 404, 412 is used by the plurality of communication devices 114-119 and the second plurality of communication devices 214-217 as a means for bit synchronization utilizing techniques well known in the art. The address 406, 414 is used to identify the communication devices intended to receive the outbound information such as the localized information 410 and the individualized information 418 interpreted as "identify detected devuces that match any selection criteria". Regarding claim 12 Applicant argues that the combination of Burgan and Garceran cannot teach, suggest or imply "querying to determine whether a wireless network device is of a desired type and has a desired status as neither reference, nor the combination, addresses associating a signal quality with a network device on the basis of determining that it has any specific device type or status". Examiner respectfully disagrees with the applicant's argument. Garceran's reference col. 8 lines 57-66 recites this limitation i.e., figure 2 during the call or if the call is active at block 115, the serving base station 56 (FIG. 2) and/or the neighboring base station(s) 60a-h can query the wireless unit 54 at block 116 for data, such as location information and associated information or measurements. The serving cell can send signal quality measurements which can be associated with the location information and other parameters, such as the wireless unit identification, time period, date, forward or downlink traffic frequency, reverse or uplink traffic frequency or other channel frequency. Therefore, the teaching of prior art reference still read on the claimed limitations.